

Issued February 8, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 148, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 28th day May, 1909, in the District Court of the United States for the Western Division of the Western District of Missouri, in a prosecution by the United States against the Ennis, Hanly, Blackburn Coffee Company, a corporation of Kansas City, Missouri, for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Missouri to Kansas an adulterated and misbranded vanilla extract, the said Ennis, Hanly, Blackburn Coffee Company entered a plea of guilty and the court imposed upon it a fine of \$25.

The facts in the case were as follows:

On August 5, 1907, an inspector of the Department of Agriculture purchased from Peake Brothers, Kansas City, Kansas, a sample (I. S. No. 1441) of a food product labeled: "Standard Brand Vanilla, Substitute Flavor, vanilline and cumarin colored." The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and the following results obtained and stated:

Vanillin (per cent).....	0.12
Melting point (°C).....	78
Coumarin (per cent).....	0.16
Melting point (°C).....	67
Resins.....	Trace.
Lead precipitate.....	Scant.
Caramel.....	Present.
Natural color.....	Trace.

Vanilla extract, or flavor, as recognized by reliable manufacturers and dealers, is the flavoring extract prepared from vanilla bean, and

contains in 100 cubic centimeters the soluble matters from not less than 10 grams of the vanilla bean. The analysis of the aforesaid sample disclosed practically the total absence of the extract of the vanilla bean, hence the article was adulterated within the meaning of section 7 of the act in that an imitation extract, artificially colored in a manner whereby its inferiority was concealed, was substituted wholly for the product which it purported to be, and was misbranded within the meaning of section 8 of the act in that it was labeled "Standard Vanilla" in conspicuous type, which statement was false, misleading, and deceptive because it contained no extract of vanilla bean.

It appearing from the aforesaid analysis that the article was adulterated and misbranded, the Secretary of Agriculture gave notice to Peake Brothers, the dealers from whom the sample was procured, and also to the Ennis, Hanly, Blackburn Coffee Company, the manufacturer and shipper, and gave them an opportunity to be heard. The said company being the party solely responsible for the adulteration and misbranding of the article and failing to show any fault or error in the result of the aforesaid analysis and it being determined that the article was adulterated and misbranded, on June 22, 1908, the said Secretary reported the facts and evidence (F. & D. No. 122) to the Attorney General by whom they were referred to the United States Attorney for the Western District of Missouri who filed an information against the Ennis, Hanly, Blackburn Coffee Company with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

JANUARY 15, 1910.

O